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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,576	01/27/2004	David Maxwell Cannon	SJO920030087US1	3882

46917 7590 08/11/2006

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT PAPER NUMBER

2163

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,576	<b>Applicant(s)</b> CANNON ET AL.	
	<b>Examiner</b> Helene Rose	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/19/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

1. Claims 1-54 have been presented for examination.
2. Claims 1-54 have been rejected.

**Information Disclosure Statement**

3. The information disclosure statement (IDS) submitted on October 19, 2005 accordingly, the information disclosure statement is being considered by the examiner.

**Claim Rejections – 35 U.S.C – 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ulrich et al. (US Patent No. 6,754,773/Filing Date: Jan. 29, 2002).

**Claims 1, 14 and 50:**

Regarding Claims 1, 14 and 50 Ulrich teaches a data management method, comprising:

receiving multiple user files from at least one client station coupled to a data storage subsystem (column 11, lines 53-62 and column 12, lines 19-23, Ulrich);

storing at least some of the multiple user files in a retrieval storage pool at a first location in the data storage subsystem (column 12, lines 60-63, column 16, lines 3-9, Ulrich);

creating a managed file comprising an aggregation of at least some of the multiple user files (column 32, lines 60-61 and column 87, lines 20-23, Ulrich), wherein said managed file creating includes copying user files to an aggregation storage pool and designating the aggregation of user files in the aggregation storage pool as a single file in a database (column 56, lines 4-7, Ulrich);

applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority (column 50, lines 16-34, Ulrich);

deleting from said retrieval storage pool a user file designated as lower priority; and retaining in said retrieval storage pool a user file designated as higher priority (column 34, lines 7, Ulrich).

Claims 2,15,28,and 41 teaches:

Regarding Claims 2,15,28,41, Ulrich teaches retaining in said retrieval storage pool a user file designated as higher priority (column 5, lines 59-60, lines 66-67 and lines 1-10, Ulrich).

Claims 3,16,29,42,49 and 51:

Regarding Claims 3,16,29,42,49 and 51, Ulrich teaches wherein said first predetermined criteria include the status of the user file as one of active and inactive wherein an active user file currently resides on said client station and is designated a higher priority user file, and an inactive user file once resided on a client station but has been subsequently at least one of modified and deleted on said client station, and is designated a lower priority user file (column 4, lines 45-55 and columns 59-60, lines 65-67 and lines 1-10, Ulrich).

Claims 4,17,30 and 43:

Regarding Claims 4,17,30,43, Ulrich teaches wherein said retrieval storage pool is located in a disk storage (column 70, lines 28-29, Ulrich).

Claims 5,18,31 and 44:

Regarding Claims 5,18,31 and 44, Ulrich teaches wherein said managed file creating includes copying user files to an aggregation storage pool and designating the aggregation of user files in the aggregation storage pool as a single file in a database (column 56, lines 4-7, Ulrich)

Claims 6,19,32,45:

Regarding Claims 6,19,32,45, Ulrich teaches transferring said managed file from said aggregation storage pool to another location within a data hierarchy in the data storage subsystem (column 26, lines 12-14, Ulrich).

Claims 7,20, and 33:

Claims 7,20 and 33, Ulrich teaches wherein said copying includes copying user files from the retrieval storage pool to the aggregation storage pool (column 17, lines 22-29, Ulrich).

Claims 8,21,34:

Regarding Claims 8,21 and 34, Ulrich teaches wherein said aggregation storage pool is located in a tape storage (column 20, lines 13-16, Ulrich).

Claims 9,22, and 35

Regarding Claims 9,22, and 35, Ulrich teaches wherein said managed file is migrated to a tape storage (Refer to claim 8, wherein this limitation is substantially the

same/similar to claim 8, Ulrich).

Claims 10,23 and 36

Regarding Claims 10,23 and 36, Ulrich teaches copying received user files to an aggregation storage pool wherein said managed file creating includes creating a managed file comprising a contiguous aggregation of said user files copied to said aggregation storage pool (column 58, lines 65-67, Ulrich).

Claims 11,24 and 37

Regarding Claims 11,24 and 37, Ulrich teaches applying second predetermined criteria to a user file received from a client station to designate the received user file as one of a higher priority and a lower priority (Refer to claim 1 wherein this limitation is substantially the same/similar to the limitation within claim 1 Ulrich), and wherein said retrieval storage pool storing includes storing received user files designated as higher priority in said retrieval storage pool (Refer to claim 2 wherein this limitation is substantially the same/similar to the limitation within claim 2, Ulrich), and wherein said copying to an aggregation storage pool includes copying received user files designated as lower priority to said aggregation storage pool (Refer to claim 3, wherein this limitation is substantially the same/similar to the limitation within claim 3, Ulrich).

Claims 12,25 and 38

Regarding Claims 12,25 and 38, Ulrich teaches wherein each client station has an identity and said second predetermined criteria include the identity of the client station which was the source of a received user file wherein a user file received from a first client station is designated a higher priority user file and is stored in said retrieval storage pool (Refer to claim 3, wherein this limitation is substantially the same/similar to the limitation

within claim 3, Ulrich), and a user file received from a second client station is designated a lower priority user file and is stored in said aggregation storage pool (Refer to claim 5, wherein this limitation is substantially the same/similar to the limitation within claim 5, Ulrich).

Claims 13,26 and 39:

Regarding Claims 13,26 and 39, Ulrich teaches wherein said first predetermined criteria include the status of the user file as one of active and inactive wherein an active user file currently resides on said client station and is designated a higher priority user file (Refer to claim 2, wherein this limitation is substantially the same/similar to the limitation within claim 2, Ulrich), and an inactive user file once resided on a client station but has been subsequently at least one of modified and deleted on said client station, and is designated a lower priority user file (Refer to claim 3, wherein this limitation is substantially the same/similar to the limitation within claim 3, Ulrich).

Claim 17:

Regarding Claim 17, Ulrich teaches wherein said retrieval storage pool is located in a disk storage (Figure 21 and Figure 22B, diagrams 160, Ulrich).

Claim 18:

Regarding Claim 19, Ulrich teaches wherein said managed file creating includes copying user files to an aggregation storage pool and designating the aggregation of user files in the aggregation storage pool as a single file in a database (Refer to claim 5, wherein this limitation has already been addressed, Ulrich).

Claim 19:

Regarding Claim 19, Ulrich teaches wherein the operation of transferring said managed file from said aggregation storage pool to another location within a data hierarchy in the data storage subsystem (column 24, lines 40-54, Ulrich).

Claim 20:

Regarding Claim 20, Ulrich teaches wherein said copying includes copying user files from the retrieval storage pool to the aggregation storage pool (Refer to claim 7, wherein this limitation has already been addressed, Ulrich).

Claim 21:

Regarding Claim 21, Ulrich teaches wherein said aggregation storage pool is located in a tape storage (Refer to claim 8, wherein this limitation has already been addressed, Ulrich).

Claim 22:

Regarding Claim 22, Ulrich teaches wherein said managed file is migrated to a tape storage (Refer to claim 9, wherein this limitation has already been addressed, Ulrich).

Claim 27:

Regarding Claim 27, Ulrich teaches a subsystem for managing data for use with a plurality of client stations, each client station having user files, comprising:

a plurality of data storage devices wherein at least one data storage device has a retrieval pool adapted to store user files (Refer to claim 1, wherein this limitation has already been addressed, Ulrich) ;



a digital data processing apparatus coupled to the storage devices (column 8, lines 28-47, Ulrich), wherein the digital data processing apparatus is programmed to perform a data management method, said method comprising:

receiving multiple user files from at least one client station coupled to the subsystem (Refer to claim 1, wherein this limitation has already been addressed, Ulrich);

storing at least some of the multiple user files in said retrieval storage pool (Refer to claim 1, wherein this limitation has already been addressed, Ulrich);

creating a managed file comprising an aggregation of at least some of the multiple user files (Refer to claim 1, wherein this limitation has already been addressed, Ulrich);

applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority (Refer to claim 1, wherein this limitation has already been addressed, Ulrich); and

deleting from said retrieval storage pool a user file designated as lower priority (Refer to claim 1, wherein this limitation has already been addressed, Ulrich).

Claim 40:

Regarding Claim 40, Ulrich teaches a server for managing data for use with at least one data storage device and with a plurality of client stations, each client station having user files, comprising:

data processing means for managing data (see abstract, Ulrich), said data processing means having means for:

creating a retrieval storage pool in a data storage device (column 45, lines 1-3, Ulrich);

receiving multiple user files from at least one client station coupled to the server (Refer to claim 1, wherein this limitation has already been addressed, Ulrich); storing at least some of the multiple user files in said retrieval storage pool (Refer to claim 1, wherein this limitation has already been addressed, Ulrich);

creating a managed file comprising a contiguous aggregation of at least some of the multiple user files (Refer to claim 1, wherein this limitation has already been addressed, Ulrich);

applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority (Refer to claim 1, wherein this limitation has already been addressed, Ulrich); and

deleting from said retrieval storage pool a user file designated as lower priority (Refer to claim 1, wherein this limitation has already been addressed, Ulrich).

**Claims 46:**

Regarding Claim 46, Ulrich teaches wherein said data processing means further has a database and wherein at least one data storage device has an aggregation storage pool and wherein the data processing means further has means for copying received user files to said aggregation storage pool wherein said managed file creating includes creating a managed file comprising a contiguous aggregation of said user files copied to said aggregation storage pool (Refer to claim 10, wherein this limitation has already been addressed, Ulrich).

Claims 47 and 52:

Regarding Claims 47 and 52, Ulrich teaches wherein the data processing means further has means for applying second predetermined criteria to a user file received from a client station to designate the received user file as one of a higher priority and a lower priority, and wherein said retrieval storage pool storing includes storing received user files designated as higher priority in said retrieval storage pool, and wherein said copying to an aggregation storage pool includes copying received user files designated as lower priority to said aggregation storage pool (Refer to claim 11, wherein this limitation has already been addressed, Ulrich) .

Claim 48:

Regarding claim 48, Ulrich teaches wherein each client station has an identity and said second predetermined criteria include the identity of the client station which was the source of a received user file wherein a user file received from a first client station is designated a higher priority user file and is stored in said retrieval storage pool, and a user file received from a second client station is designated a lower priority user file and is stored in said aggregation storage pool (Refer to claim 12, wherein this limitation is substantially the same as the claim limitation within claim 12, Ulrich).

Claim 53:

Regarding Claims 53, REFER to claim 1, wherein these limitations have already been addressed, Ulrich);

Claim 54:

Regarding Claim 54, Ulrich teaches wherein each client station has an identity and said first predetermined criteria include the identity of the client station which was the

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source of a received user file wherein a user file received from a first client station is designated a higher priority user file and is stored in said retrieval storage pool (Refer to claim 12, wherein this limitation has already been addressed, Ulrich), and a user file received from a second client station is designated a lower priority user file and is stored in said aggregation storage pool (Refer to claim 12, wherein this limitation has already been addressed, Ulrich).

#### Prior Art of Record

1. Blickenstaff et al (US Patent No. 5,537,585) discloses the data storage system in connected to a local area network and includes a storage server that on a demand basis and or on a periodically scheduled basis audits the activity on each volume of each data storage device that is connected to the network.
2. Whiting et al (US Patent No. 5,778,395) discloses a system for backing up files from disk volumes on multiple nodes of a computer network to a common random access backup storage means.
3. Ulrich et al. (US Patent No. 6,754,773) discloses a programmable data path accelerator.

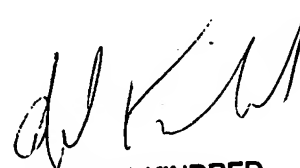
#### Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helene Rose  
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August 2, 2006



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